

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 2025-2

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
AMENDING TITLE 8 OF THE EAGLE MUNICIPAL CODE TO REGULATE THE PROTECTION
OF WILDLIFE.

WHEREAS, pursuant to C.R.S. § 31-15-103, municipalities shall have power to make and publish ordinances which are necessary and proper to provide for the safety, to preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof not inconsistent with the laws of this state; and

WHEREAS, the Town of Eagle (the "Town") is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Eagle Home Rule Charter (the "Charter"); and

WHEREAS, pursuant to Section 1.01.080 of the Eagle Town Code (the "Code"), the Town Council may amend the Code; and

WHEREAS, the Town wishes to maintain a healthy wildlife population in and around the Town and mitigate harmful effects of unsecured refuse containers on wildlife; and

WHEREAS, the Town provides bear-resistant refuse containers for single family residences in the Town through the Town's trash service; and

WHEREAS, the Town wishes to expand the use of wildlife-proof and wildlife-resistant containers in the Town; and

WHEREAS, the Town Council wishes to amend Title 8 with the addition of Chapter 8.14 – Wildlife Protection to provide additional regulation to protect the wildlife population in the area; and

WHEREAS, the Town Council finds that to adequately protect the general public and wildlife, declaring and enacting this Ordinance is necessary for the preservation of public property, health, welfare, peace, and safety of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO:

Section 1. Amendment to Code. Title 8 of the Code is hereby amended with the addition of Chapter 8.14. – Wildlife Protection, as follows:

CHAPTER 8.14 – Wildlife Protection Ordinance

Section 8.14.010 – Intent

It is the intent of the Town Council adopting this Chapter to protect and maintain wildlife in the Town of Eagle and surrounding areas and to minimize the risk of dangerous interaction between humans and wildlife caused by refuse and feeding.

Section 8.14.020 - Definitions.

As used in this Chapter, the following words or phrases are defined as follows:

Attractant means any substance which could be reasonably expected to attract wildlife or does attract wildlife, including but not limited to food products, pet food, feed, compost, grain, or spices.

Centralized refuse container means any dumpster or similar device used for the collection and storage of solid waste.

Refuse means any waste that could reasonably attract wildlife, including but not limited to kitchen organic waste, food, food packaging, toothpaste, deodorant, cosmetics, spices, seasonings, and grease.

Residential refuse container means any trash can or similar device used for the collection and storage of waste and that is not deemed wildlife-resistant by the Living with Wildlife Foundation, Interagency Grizzly Bear Committee.

Premises means property owned, occupied, leased, or expressly permitted to be used by a resident, including any confined area or locality such as a residence, business, room, shop, building, motor vehicle, refuse container and/or dumpster.

Resident means any person, occupier, firm, corporation, or organization within the Town of Eagle boundaries.

Special event means a festival, fair, circus, concert, performance, race, vendor sales lot or activity or any other temporary activity using outdoor or indoor spaces approved or sponsored by the Town and inviting the public to participate with or without charge, whether held on public or private property.

Wildlife means any undomesticated, non-livestock mammal, including but not limited to moose, elk, deer, sheep, lynx, skunks, bears, raccoons, coyotes, beavers, porcupines, mountain lions, bobcats and foxes.

Wildlife-resistant refuse container means a fully enclosed container of sturdy construction, either plastic or any other material, which meets the definition of *refuse container* in this Title, and which is reinforced to deter access by wildlife. The container must have a sturdy lid with a working latching mechanism which prevents access to the contents by wildlife. Wildlife-resistant refuse containers must be latched, remain intact and functional for at least thirty (30) minutes when subjected to wildlife, as certified by the Living with Wildlife Foundation, Interagency Grizzly Bear Committee. A container not so certified is only considered a wildlife-resistant refuse container if it is certified as such by an official of the Town or Colorado Parks and Wildlife.

Wildlife-proof refuse container means a fully enclosed container with a metal lid, such as a dumpster. The metal lid must have a working latching device of sufficient design and strength to prevent access by wildlife. Wildlife-proof refuse containers must remain intact and functional for at least ninety (90) minutes when subjected to wildlife, as certified by the Living with Wildlife Foundation, Interagency Grizzly Bear Committee. A container not so certified is only considered a wildlife-resistant refuse container if it is certified as such by an official of the Town or Colorado Parks and Wildlife.

Section 8.14.030 – Use and Operation of Wildlife-Proof or Wildlife-Resistant Containers

1. All developments and residences within the Town of Eagle shall use Wildlife-Proof or Wildlife-Resistant containers.
2. All refuse containers defined in this Chapter shall be kept closed and secured when refuse is not being deposited.
 - a. Any container which is so full as to prevent a container from closing and latching as designed is not a wildlife-resistant or wildlife-proof refuse container within the meaning of this Chapter.
3. Trash compactors may be in compliance with this Chapter so long as the lid of such compactor is not exposed in such a manner as to permit access by wildlife.
 - a. Compactor doors must be kept closed at all times and latched, except when loading or removing refuse, and the area around the compactor must be kept clean of refuse, debris or attractants.

Section 8.14.040– Damage to and/or Repair of Containers

If a wildlife-resistant or wildlife-proof refuse container is damaged to the extent that the locking mechanism now allows access by wildlife to the container, repairs or replacement must be made, or the container company must be notified in writing by the container renter within 24 hours that the container is damaged and needs to be repaired or replaced.

Section 8.14.050 - Residential refuse disposal.

1. Compost containers must be in compliance with this Chapter and must be a certified wildlife-resistant refuse container.
 - a. Any compost container left open, unlocked or damaged and not repaired may be considered an attractant and will be in violation of the wildlife-resistant refuse container requirement listed previously in this Chapter under Section 8.14.030 and Section 8.14.040.
2. Other household waste that cannot reasonably be considered refuse or an attractant as defined in this Chapter, including but not limited to inedible yard maintenance waste, household items, cardboard, wood, and metal shall not require that use of wildlife-resistant or wildlife-proof refuse containers when not commingled with refuse or any other attractant.
3. Multi-family housing developments and other types of clustered residential housing utilizing centralized refuse containers must use either a wildlife-proof refuse container or a wildlife-resistant enclosure for all refuse and attractants. The container or enclosure shall be kept closed and secured, except when refuse or attractants are being deposited.

Section 8.14.060 - Special event refuse disposal.

Outdoor special event sites shall be kept free from the accumulation of refuse and attractants. Refuse and attractants must be collected from such sites at the close of each day's activities and shall be deposited into appropriate wildlife-resistant or wildlife-proof refuse containers or wildlife-resistant enclosures as provided in this Chapter or shall be removed to an appropriate disposal

site.

Section 8.14.070 - Construction site refuse disposal.

All construction sites must have a designated refuse container that receives refuse, or attractants as defined by this Chapter. This container shall be a wildlife-resistant or wildlife-proof refuse container, not including standard construction waste such as but not limited to wood and metal.

Section 8.14.080 - Commercial refuse disposal.

All refuse containers receiving refuse and attractants from commercial establishments and restaurants shall be wildlife-resistant or wildlife-proof containers. Notwithstanding the foregoing, this requirement shall not apply to municipal refuse containers which are emptied at the end of each day or multiple times per day.

Section 8.14.090 - Feeding wildlife prohibited.

1. No person shall intentionally or unintentionally feed or provide food in any manner for wildlife on public or private property within the Town. Persons will be considered to be in violation of this Chapter if they leave or store any garbage, refuse, attractants or food product in a manner that would create an attraction for wildlife.
2. No person shall leave or store any refuse, attractant, food product, pet food, grain or minerals in a manner which would constitute a lure, attractant or enticement for wildlife between the dates of April 15 and November 15. All bird feeders must be suspended on a cable or other device so that they are inaccessible to bears, and the area below the feeders must be kept free from the accumulation of seed debris.
3. This Section shall not apply to:
 - a. Any individual, company or corporation that is duly licensed by the State or otherwise entitled under law to possess a wildlife species.
 - b. Any action that is officially sanctioned by the State that would require feeding, baiting or luring of wildlife. An example of one (1) such action would be scientific projects dealing with capturing and tagging wildlife.
 - c. The feeding of wild birds, unless the bird feeder begins to attract other forms of wildlife.

Section 8.14.100 – Curbside Pick-up

1. Residents with curbside pick-up shall only place containers at the curb, alley or public right of way on or after 6:00am MST the day of pick-up. After pick-up, all containers must be retrieved/removed from the curb, alley or public right of way on or before 7:00pm MST the day of pick-up.
2. All refuse and compost containers that are placed at the curb, alley or public right-of-way for collection must have the residence street address and unit number permanently affixed to the container with letters and/or digits no smaller than two (2) inches in height.

Section 8.14.110 - Enforcement.

1. Town of Eagle Police, Code Enforcement and Colorado Parks and Wildlife shall, in connection with their duties imposed by law or ordinance, enforce the provisions of this Chapter.
2. Town of Eagle Police, Code Enforcement and Colorado Parks and Wildlife shall have the right to inspect, during reasonable hours or at the time that wildlife be present or recent activity with wildlife, any property in the Town concerning any wildlife matter or potential wildlife attractant.
3. Town of Eagle Police, Code Enforcement and Colorado Parks and Wildlife shall have the authority to issue a warning notice, citation, summons, complaint, penalty assessment notice or other charging document in accordance with this Code to any person in violation of this Chapter, including but not limited to property owners, tenants, any designated property manager, any person in charge or control of a property or any person who failed to secure a container when depositing refuse or attractants.
4. A resident shall be deemed to have been issued an appropriate notice of violation if it is personally served upon the resident, posted on the resident's premises or placed in the U.S. Mail, postage prepaid, and addressed to the resident according to the last known address given by the resident to any Town or County government department. If the identity of the resident is not known, the entity responsible for payment of the garbage removal services for the subject location will be held responsible for complying with this Chapter and for any penalties assessed pursuant to the same.
5. In addition to the penalties outlined herein, upon order of the Town of Eagle, Eagle Police, Code Enforcement and Colorado Parks and Wildlife, violators will be required to perform all necessary actions to remove or abate attractions to wildlife. This may include but shall not be limited to the removal of bird feeders or pet food, cleaning or appropriate storage of barbecue grills and/or the required use of wildlife-resistant refuse containers or wildlife-proof refuse containers.

Section 8.14.110 – Ordinance deadlines

1. All areas within the Town of Eagle shall need to be in compliance with this Ordinance by September 1, 2025
2. Any property owned, occupied, leased, or otherwise permitted for use by a resident—including residences, businesses, rooms, shops, or other buildings—shall be considered in compliance with this Ordinance if the property owner or occupant provides proof of a written request to their dumpster provider for a wildlife-proof or wildlife-resistant trash can or dumpster within a reasonable amount of time.

Section 8.14.120 - Penalties.

The graduated fine schedule for the penalty assessment procedure is as follows:

Penalty	Violation
\$100 to \$250 Fine	First Offense
\$250 to \$1000 Fine	Each successive violation within 12 months of any previous violation of this Chapter 8.14

Section 2. Safety Clause. This Ordinance is deemed necessary for the protection of the public health, safety, and welfare.

Section 3. Severability. If any provision of this Ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

Section 4. Conflicts. All prior ordinances, resolutions, or other acts, or parts thereof, by the Town of Eagle in conflict with this Ordinance are hereby repealed, except that this repeal shall not be construed to revive any previously repealed or expired act, ordinance or resolution, or part thereof.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption.

INTRODUCED AS AN ORDINANCE, READ, MOVED, AND ORDERED
PUBLISHED ON MAY 27, 2025.

TOWN OF EAGLE, COLORADO

By: _____

Scott Turnipseed, Mayor

ATTEST:

By: _____

Camille Deering, Town Clerk



PROOF OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF EAGLE)

I, Camille Deering, Town Clerk for the Town of Eagle, do solemnly swear and affirm that I published in full a true and correct copy of ORDINANCE 02, SERIES 2025 "AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AMENDING TITLE 8 OF THE EAGLE MUNICIPAL CODE TO REGULATE THE PROTECTION OF WILDLIFE" on the Town of Eagle's web site, www.townofeagle.org, on the 28th day of May 2025.

Witness my hand and seal this 28th day of May 2025.

Camille Deering,
Town Clerk



Ordinance Effective Date:

September 1, 2025